

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BENN JOSEPH MCCURRY,

Plaintiff

v.

**KILOLO KIJAKAZI, ACTING
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,**

Defendant

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Case No. 1:21-cv-00731-RP-SH

ORDER

Before the Court is Plaintiff's Motion for Enlargement of Time to File Motion for Summary Judgment, filed December 15, 2021 (Dkt. 9). On August 23, 2021, the District Court referred this case to the undersigned Magistrate Judge, pursuant to 28 U.S.C. § 636(b), Federal Rule of Civil Procedure 72, Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas ("Local Rules"), and the February 21, 2020 Standing Order Regarding Court Docket Management for the Austin Division. Dkt. 2.

Local Rule CV-7(g) provides that:

The court may refuse to hear or may deny a nondispositive motion unless the movant advises the court within the body of the motion that counsel for the parties have conferred in a good-faith attempt to resolve the matter by agreement and certifies the specific reason that no agreement could be made.

In his Certificate of Conference, Plaintiff states that he was "not able to make contact with opposing counsel." Dkt. 9 at 2. That is insufficient. To satisfy Rule CV-7(g), before filing any nondispositive motion with the Court, Plaintiff must allow a reasonable time for response and actually confer with counsel for Defendant "in a good-faith attempt to resolve the matter by agreement."

Accordingly, Plaintiff's Motion for Enlargement of Time to File Motion for Summary Judgment (Dkt. 9) is **DENIED**. Plaintiff may resubmit his Motion once he has conferred with counsel for Defendant.

SIGNED on December 16, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE